

**STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
August 23, 2010**

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, August 23, 2010, was called to order at 7:00 p.m. by Chairman Tom Coen in the County Administration Conference Room of the County Administration Building.

Members Present: Coen, Adams, Clark, Hunt, McClevey and O'Hara

Members Absent:

Staff Present: Baker, Lott, Mayausky, Neuhard, and Stinnette

1. Call to Order

Mr. Coen: We have a guest tonight with our wonderful Scott Mayausky. So I am going to ask that we change the order of the agenda so that we can have him do his presentation and he doesn't have to stay for anything else, out of consideration.

5. New Business

- Rollback Taxes for PDR Funding

Mr. Mayausky: I appreciate that.

Mr. Coen: So is there an agreement? Mr. Mayausky.

Mr. Mayausky: Thank you Tom. Kathy asked if I could talk to you all a little bit tonight, and I am in a little bit of an awkward position. I am trying to explain Paul Milde's proposal to generate money to fund PDR and other land conservation programs. But the idea centers around the land use tax. So I know a little bit about Paul's idea and I know a little bit about land use, so here I am. I know some of you all are in land use, are you all familiar? Vaguely familiar, very familiar with land use? Okay, we can skip over the basics of that. Basically Mr. Milde's idea is to add two years to the rollback tax and use that money to fund conservations programs. It would be current plus seven.

Mr. Adams: I thought this was what it is now.

Mr. Mayausky: I am sorry it would be current plus eight, now it is current plus six. No, no it is current plus five and would go to current plus seven. What that means, now when you are in the land use program as soon as you change the use of your property, rollback taxes are due for that current year plus the five previous years. Paul's idea would be the current year plus the seven previous years. The two back years would be earmarked for conservation programs. And if you are not familiar with the rollback tax, properties in land use get two different assessments. They get the market value assessment, which all homeowners get, that is what you pay your taxes on. Then they get a use value assessment. The property that qualifies for land use, we value at its use value. Which depends upon soil type, you know how good the soil is. To give you an example, the difference between the two, fair market value of an acre might be fifteen thousand dollars. The use value of that acre could be two hundred dollars. The difference between the fifteen thousand and the two hundred is your deferral. That is the money that goes into an account and that is what we call the rollback tax. We put all that money in the bank and when you change the use of that property, we go back to that current plus five years and we figure out what you would have paid, had you not been in the land use program, and then we tack a ten percent interest on top of that every year. Did I lose anybody there? Okay, good. So Paul's idea is to add two more years and grab those two years and earmark them for conservation. It was a little tricky trying to come up with some sort of analysis as to how much money that would generate, but I am passing around a little memo I put together for tonight, which is our best attempt to try to estimate the revenue that this would generate. The table has two columns. The first column shows the actual amount of revenue generated from land use, from every year two thousand and two forward, that is the first column. What made estimating this so tricky and really there is no way to estimate how much land use you are going to get every year because it depends upon what the property owners are doing with their property on an individual basis. We have between a thousand and eleven hundred individual properties. Some will never sell, some are looking for the right buyer, some will sell under the right circumstances. We don't know and you can see the amount of rollback money that we generate each year varies greatly. Obviously the bubble here corresponds nice with the real estate bubble of 03, 04 and 05. A lot of properties changing hands then, the properties were a lot, raw land was selling at a premium at that point, so that inflated the rollback tax. Because the soil value rarely changes, it does not get about four or five hundred dollars an acre. At one point we had agricultural land selling for about thirty thousand dollars an acre. So again the difference between the four hundred and the thirty thousand is the rollback. So that rollback tax was heavily

inflated as the market was increasing in value, which kind of skews the numbers across the board, which is why we did a nine year spread, so you could judge it by the old standards and you could take a look at what is happening today. If we had this in place since 2002 it would have generated almost a million dollars for conservation programs, but again you can see the bulk of that was during the boom time in the real estate market. Now we are generating twenty five to thirty thousand dollars a year in rollback taxes. Which, you know any money going to conservation is a good thing and this might be a good thing to have in the tool belt, but it is not the magic bullet that is going to solve any funding problems or any programs that you may have. As I understand Paul's proposal that is what it is. This can not just happen at the local level. This requires a change to the State Code. The General Assembly has been very reluctant to change the land use program since its inception in 1978. I remember ten years ago they tried to go to a ten year rollback that did not go anywhere. About eight years ago Stafford County tried to get watermen and aquaculture added to the land use program and the Farm Bureau killed that. They don't want anybody even mentioning the word land use down in Richmond when the General Assembly session is open. Because once you crack the seal people are going to try to make all kinds of changes. And land use is such a valuable program to protecting farms that they do not want anything to happen to that and neither do we. In my opinion, Paul's idea is a good idea but it is a real long shot to get through Richmond. But you have got to start somewhere, so he has thrown it out there. I know he has talked to a couple of legislators to get their opinions on it. It is too early to tell if anyone is going to introduce a bill or not. This is very much in its infancy.

Mr. Hunt: Just explain the numbers to me. So if this all magically happened, are you talking about the twenty two and sixteen as what would go to conservation or is it the one thirty three and one ninety eight?

Mr. Mayausky: I am sorry, I apologize. The second column is our estimate of what would have gone towards conservation had this program been in place since 2002, the shaded column.

Mr. Hunt: Okay.

Mr. Mayausky: So this year to date we would have twenty two thousand eight hundred and ninety four dollars being banked for conservation.

Mr. Hunt: Okay. I got it, okay.

Mr. Mayausky: And this is just a running estimate.

Mr. Hunt: Sure, and so the ten year thing tells me where...if I think the economy is going to be stagnant for another five years then I would look at twenty some thousand a year that would roll into right now. Given every thing stayed the same and everybody sold and all that.

Mr. Mayausky: One common misconception of land use tax is that the rollback is triggered at the point of sale and it is not. It is triggered at the change of use.

Mr. Adams: Why because the guy that just bought the twenty five acres next to me is in land use that shouldn't be doesn't pay any taxes until the property...he breaks the first lot out and actually sells it.

Mr. Mayausky: Right.

Mr. Adams: So the developers are buying the property now, this number is low but you could find out everybody is buying all theses thousands of acres now that ten years from now it could be a million dollars in this column. Because it is not when they buy it, it's when they actually bust it up and start selling the first lots off of it.

Mr. Hunt: That is what you just said when the land use changes, not at the sale but when the land use changes.

Mr. Mayausky: Yes, we have lots of developers that own lots of property and this does serve as a tax shelter for them until they are ready to do something with the property. Unfortunately there is nothing we can do about it as long as they are doing what they are required to do by code. In fact Celebrate Virginia off Route 17, much of that is in land use. We all know what is going to happen there, but there is nothing that can be done because they are meeting the letter of the law and Silver is religious about meeting the letter of the law because they don't want to start paying taxes on that stuff until they absolutely have too. But on the good side when they do pull it out, they do pay the rollback taxes.

Mr. Hunt: Is there any down side to the existing farmer?

Mr. Mayausky: Only the increased rollback tax. It will increase their rollback tax, we are estimating, by about twenty per cent over what they are currently paying.

Mrs. Clark: At one time when we had the bubble, a lot of farmers were getting the buyer to put that in, so it really did not affect the farmer.

Mr. Adams: One way it can affect the farmers is if you became disabled and could no longer farm. You still may, depending on what is going on what is going on if you lease your farm to somebody, then that would still qualify, but...

Mr. Hunt: But if you transferred it to your kids for instance and they decided they wanted to subdivide.

Mr. Mayausky: Then the rollback is due.

Mr. Hunt: Is there any reason we should not be in favor of this?

Mr. Mayausky: No, other than increasing the rollback taxes to the farmer. We have seen more and more folks in land use having to pay that rollback, in this market. It all changes depending on the market. In the past when things were booming, rollback was a nuisance, the developer would pay it. Just give me the property because I am going to develop it and get rich and get out of here. Things are not moving now so that rollback is just an added tax burden...potential tax burden on the farmer.

Mr. Hunt: Potential tax burden?

Mr. Mayausky: Yes, potential.

Mr. Hunt: If I wanted to buy your farm and continue to farm...

Mr. Adams: That is no problem. But if you wanted to buy my farm and develop it and he said well, I will give you a million and a half for it. I said well you are paying the rollback taxes and he said no I am not. Then well, it is no sale. I will pay the taxes if it is for two million, but if it is a million and a half, you know what I mean, that is just negotiating.

Mr. Mayausky: Other than that I don't think there is any down side to anybody.

Mr. Hunt: So what you would really be asking the AG Commission/PDR whatever we are, would be to have some resolution of support for this going forward in concept or not support it going forward in concept.

Mr. Mayausky: Is that what I am asking Kathy?

Mrs. Baker: When Tom did his presentation to the Board in June. They were talking about other mechanisms. And that is when Mr. Milde brought that up. They did not specifically say go and discuss it, but...

Mr. Hunt: It seems like if the Committee had at least some sense back to the Board, we thought this was a good idea or we thought this was a dumb idea or we were neutral, looks like it would be...

Mr. Coen: He brought it officially to the Board?

Mr. Mayausky: There was some discussion at the last Board meeting but I did not hear that discussion, I don't know the answer to that.

Mr. Adams: The thing I have had discussion with Scott about several times. Albemarle County went to a system where they hired a person and that person now goes out and verifies and when you don't meet the criteria, boom, you get hit with your seven years or five years or whatever right then and there. They are...they said there was too much abuse in the system, if it is fifty acres in forest and you are supposed to have a forest management plan and you don't...they got some big money out of that as I understand it.

Mr. Mayausky: And we are at the beginning stages of doing something very similar. We are in the process now of auditing every single parcel that is in land use. And if you look at the numbers on this spreadsheet you will see that already in 2010 the number is higher than it was in 2009, that is the result of some of them that we found in audit, they transferred some land out, they no longer qualify, they did not notify us of a change in use, so we are in the process of cleaning them up and we will always take suggestions.

Mr. Adams: All you have to do to qualify for land use is to sign a piece of paper and turn it in to his office and that is it.

Mr. Hunt: Now, if they went back and found that you owed the taxes none of it would be earmarked for PDR.

Mr. Coen: No, or any type of conservation...

Mr. Adams: It would go in the general fund I guess.

Mr. Coen: I mean I guess we could relay to the Board that we looked at it and we think it is worthy of further study...

Mr. Hunt: We could do that.

Mr. Neuhard: This issue will come up as they talk about their legislative package. That is where Paul will probably make his big pitch to get it into the counties legislative program and to talk about it when we talk to our delegation this fall. So the timing is about right. Probably if you do have an indication that you want to support it, now would be the time to move it forward. No later than next month if you want to think about it for a month, so he has or the Board has a sense that there is something that the Committee may be looking for legislatively.

Mr. Coen: Okay.

Mr. Hunt: Could you repeat what you said.

Mr. Coen: The Agricultural and PDR Committee looked at the concept of the land use rollback to be used as a method, one method of land conservation funding.

Mr. Adams: The last two years would be guaranteed as conservation money, not...

Mr. Coen: Anybody else have...

Mr. O'Hara: I apologize for coming in late and ask forgiveness if I ask a question that has already been asked. But if I understand right, this is money that is due back to the County regardless this is not just a new tax we are talking about. These monies should be dedicated to the use of purchasing development rights verses just being returned to farm...

Mr. Mayausky: We are talking about the land use program and the rollback taxes that are associated with it. Currently when a property changes use or there is a rezoning, the property owner has to pay the current year plus five years back in rollback taxes. Which are the difference between what they paid in the use value on the property compared to the market value of the property. The use value is a fraction of the market value. Currently they are paying current year plus five, Paul's proposal is they pay current year plus seven.

Mr. O'Hara: That is an increase in the tax payable if they violate or change the use.

Mr. Mayausky: Yes it is tacking two more years on to the years of that with that two years being earmarked for conservation use.

Mr. Coen: Generally if I had land and sold it to a developer, as soon as they start changing, not so much the sale, but as soon as they start building the homes or what not that is when it would kick in and they would have to pay for it. Or he says they will pay but you are paying the rollback taxes.

Mr. O'Hara: But in the grand scheme of things someone has got to pay and it usually ends up being the tax payer in the county. So it is sort of like a tax increase.

Mr. Mayausky: Yes it is. We estimated that it would increase the roll backs by twenty percent.

Mrs. Baker: Is there a cap to how long you can be in land use? Can you be in it forever?

Mr. Mayausky: Yes, we have some that have been in it since the day it was approved in 1978.

Mrs. Baker: Let's say this did go through and maybe next year it was put into place, would it be retroactive to people that are already in the program it that changed or would they not be in there?

Mr. Mayausky: I think it all depends on how the Ordinance or the Legislation is written down in Richmond, but it would almost have to, to generate any money. We don't have that many new parcels going in because parcels are getting smaller, not bigger and there is less farming not more. Logically it would have to include everybody that is currently in.

Mr. O'Hara: I guess my second question is just a clarification. This would be a tax on a small portion of the taxpayers because the

developer is going to pay the penalty, but ultimately it is going to be the... Or the other dedicated revenue stream once whether we sell bonds or we just add it into the budget, that tax or revenue would be spread out over the entire tax paying population of Stafford, is really what it comes down to.

Mr. Mayausky: Yes, to put it in perspective, this tax year alone we are deferring four hundred and forty four million dollars. That is the tax value of the property that is in land use that money is not being paid taxes on. Our total tax base is a hundred and forty three million for real estate. So it is a fraction, it is about half of a percent of the total tax base anyway you judge it. I don't know if it is a fair way to judge it but...

Mr. Hunt: At least it is a way to begin to have a funding stream for PDR.

Mr. Mayausky: Yes and when you look at those numbers it is not the magic bullet, but it could be one tool.

Mr. O'Hara: Five years from now and the economy turns around, it could get back to hundreds of thousands of dollars.

Mr. Mayausky: You could, but in real estate everything is relative. That means the land you are trying to buy is gone.

Mr. Adams: But roll back taxes are based on the value of that year right?

Mr. Mayausky: Of that year, yes. So if you stop logging now you are going to pay a couple of years during that boom market. The difference that you did not pay then, back in 05, you are going to pay now. So that will increase your roll back.

Mr. O'Hara: And we are just talking about those two extra years.

Mr. Coen: Yes.

Mr. O'Hara: Are we going after all of it, or I guess that is already spoken for.

Mr. Mayausky: Well you could. Right now it all just goes to the general fund. It just goes to general government, the big pot of money. You can talk to the Board and have them and they would have the authority to do this, just to earmark two years on their own, years four and five on their own. They could set that aside, they would not need legislation for that.

Mr. O'Hara: Because in the end this is a lump sum purchase to offset a future expense stream, so essentially every dollar we spend this year could save us many more dollars in future years.

Mr. Mayausky: In purchasing?

Mr. O'Hara: Yes, so there is a savings in doing this and obviously this 5.3 million has been spoken for, I would imagine, in the budget. If we could repurpose it into an investing mode it would seem to me to make more sense than to try to go after the 5.4 million dollars.

Mr. Mayausky: Yes.

Mr. Hunt: But to do that all we would need to do is convince the supervisors.

Mr. Coen: Right.

Mr. O'Hara: And there we would not be adding the tax to anybody, we would just be repurposing money already due to the County.

Mr. Hunt: What we would be doing if this was to go forward, if I got it right. Let's suppose the Board says or the Commission says we think it is a good idea and it went to the Board and the Board said they think it is a good idea and they send it to the Legislature and the Legislature changed it, all a bunch of ifs.

Mr. Mayausky: Yes.

Mr. Hunt: We would be potentially impacting the State of Virginia because I assume there would be other communities that would then hop on the bandwagon.

Mr. Adams: I could see this is something Farm Bureau would fight in a heart beat.

Mr. Hunt: Why is that? Why would they fight that?

Mr. Adams: Taxes. If you start collecting the extra two years it might make it harder for that farmer to walk away with money in his pocket. Like I say right now the developer will say you are going to pay the taxes because the market is not there to drive it. So if you are in a situation where people did not have their estate all set up just right and they have got to sell, it is not going to go to the farmer. The developer is the one that is going to get it at bargain prices and make him pay the taxes on it as well. It would be two more years of taxes in that case, but you know I have no idea how much it would affect general people.

Mr. Mayausky: The Farm Bureau is awfully powerful.

Mr. Hunt: I think you said the probability of state legislature opening a can of worms is low. I guess the question is, is the potential increase worth the value to the PDR program?

Mr. O'Hara: Is it sustainable with the market going forward where residential is not going to be the way it has been the last ten or fifteen years?

Mr. Hunt: Probably not, but twenty thousand is more than you are getting this year.

Mr. Coen: Yes. Well I guess one thing, even if it is not all of the five years and if you designated two of the existing years, that would be something and it would not have to go to Richmond. I asked you to try to throw number at that, but if the five...I am guessing the one hundred and twenty-five thousand is the five, right? The last five years plus this year, right? The current plus five?

Mr. Mayausky: One hundred and twenty-five, yes.

Mr. Coen: Okay.

Mrs. Baker: But that is only eight months.

Mr. Mayausky: Right.

Mr. Coen: What if we said okay we are just going to take two of that, we don't need to go to the legislature for that. You could take that...

Mr. Adams: Fifty for PDR and seventy-five for general fund.

Mr. Coen: Right, that might be and that would not impact the budget severely if you went and said all five the general fund you would have to cut somewhere or raise taxes somewhere else to pay for that. But maybe some other things, but some other computation of that would not be as egregious as saying all five. If you just said the two, if it is roughly twenty thousand, it still is the same twenty thousand. I don't think that would impact the general fund budget as badly as saying all.

Mrs. Clark: And that also give you something to put against matching funds.

Mr. Coen: Right.

Mrs. Clark: So we could easily double it.

Mr. Adams: Or they could even do just a straight percentage instead of saying two years or three years. You know, eighteen percent of whatever the rollback is this year would go towards it.

Mr. Coen: Yes.

Mr. Hunt: If I was sitting on the Board of Supervisors, I am trying to think as a Supervisor now. If I were sitting as a Supervisor I would be giving up tax revenue that I could spend somewhere else.

Mr. Coen: Right.

Mr. Hunt: And the advantage of Paul Milde's recommendation is it does not cost me as a Supervisor to give up...cause me as a

Supervisor to give up anything. I am not arguing for it, I am just trying to think of how you are coming to a similar thing.

Mr. Coen: In my mind it would be, I would not be raising anybody's taxes, I would just be shifting the burden from one thing to another, from one priority to another priority.

Mr. O'Hara: From one expense to an investment.

Mr. Coen: Right.

Mr. O'Hara: That is the way I see it.

Mr. Coen: Marty, you look perky. Usually those eyes twinkle when you have something to say.

Mr. McClevey: I am just listening.

Mr. Coen: Oh, okay.

Mr. McClevey: I am deferring and kind of judgment right now.

Mr. Coen: So we have two options. You think we can wait until next month, so we can either decide to think about it or mull on it and come back next month and say we are suggesting that it is worthy of exploring in general whether existing rollback or extending it. Or we could actually say we think one way or the other.

Mr. Mayausky: Existing rollback, if you took two years, it would be about twenty-five percent of the total generated, if you could allocate it.

Mr. Hunt: But the way you worded your first plan was, it is worth further study is all we are saying.

Mr. Mayausky: Right.

Mr. Hunt: I guess I like that, because that says lets us move the ball forward and see where it goes. It says it is worth further study.

Mr. Adams: Does anyone know how...in the legislature would they write just an exception for Stafford County or open it up to the whole state.

Mr. Mayausky: They could do either.

Mr. Coen: Right, if we were Fairfax, it is more likely they would write an exception.

Several people talking (inaudible).

Mr. Mayausky: We have had some exceptions written.

Mrs. Baker: The one thing I was going to mention is the quarterly PDR managers do meet next month, on the fifteenth Mike?

Mr. Lott: I believe, yes.

Mrs. Baker: Mike is going, I won't be able to take up his time. But we can always throw it out for the other localities, just to see what anybody else's take is on it. Just to...if we are not thinking about something they have already considered or thought about.

Mr. Coen: Okay.

Mr. Mayausky: We have had some success in the past working with Bobby Orrock to get some Stafford pilot projects considered on some tax issues, primarily tax relief for the elderly.

Mr. Coen: Alright.

Mr. Mayausky: These two are similar.

Mr. McClevey: Then that would...I do have a comment. Then that would mean that Stafford would then send the tax police out and they would start enforcing it because it is a source of revenue now. It would be a means of getting rollback taxes from people that might marginally in land use, so they would want to grab all that stuff, which could...

Mr. Coen: We are doing that already.

Mr. Mayausky: Well we are kind of starting all that now.

Mr. McClevey: Which could stimulate a huge sell off or something that people might say if I am going to be hit with rollback, I might as well get the developer to get the property on a plat right now.

Mr. Mayausky: And that is an interesting point and that is exactly why we did not police it as strictly during the boom time like some of the other counties did. Because if you pulled somebody out of land use in 2005, well you know what is going to happen to that farm.

Mr. McClevey: Yes.

Mr. Mayausky: It was going to a developer.

Mr. McClevey: It was no sense in keeping it anymore, it is like I would rather sell it than buy that extra cow or what ever. And I would not want the Board to say, well you have got a source of funding now so why go for a bond or...I mean they would have to understand, obviously they would see the figures and say well that is marginally funding the program, because that would not even buy a development unit.

Mr. Coen: Right.

Mr. McClevey: We would still need another source of funding and again my position has always been to put a penny on the tax rate and fund the program through that means and let all the tax payers pay for the program rather than those that have land or something.

Mr. Coen: Okay, so right now we sort of have...I threw out a motion but nobody seconded it. So...

Mr. Hunt: I will second that motion if that was a motion.

Mr. Coen: Did you actually get all my horrible verbiage?

Mrs. Stinnette: I think so.

Mr. Coen: Okay, can you read it?

Mr. Hunt: I think the motion was that we thought the concept merited further study.

Mr. Coen: Well I guess I will remake it and make it more clear. That the PDR Committee feels that the issue of using Land Use rollback taxes as a source of revenue for conservation programs is worthy of study. And to me I am sort of thinking, not just the additional two years, but the whole shebang, is worthy of study, I mean even looking at the existing.

Mr. Mayausky: Very cleverly worded.

Mr. Hunt: And I would second that and the concept is exactly, move this forward as opposed to letting it die and who knows where it will go.

Mr. Coen: Yes, did that make sense?

Mr. Hunt: Yes, so whatever you said, I second it.

Mr. Coen: Are people clear?

Mr. O'Hara: Who is going to do the study and who are we trying to convince.

Mr. Coen: The Board.

Mr. Neuhard: It will be going to the Board.

Mr. O'Hara: And the Board is going to take it and turn around to staff and say give us a report?

Mr. Neuhard: They could do a number of things. They could say give us some more information, they could say we are not interested in this right now, they could say okay put it on the legislative agenda we will discuss it when we meet with the Delegation. Is it a concept and see what kind of feedback we get. It could take many legs.

Mr. O'Hara: Should our motion be stronger in that we support the concept of using these funds? I guess I am just looking to you for advice.

Mr. Hunt: Paul Milde called me tonight or this afternoon to discuss that and I think what he is looking for is an excuse to take it up, obviously an excuse to take the concept up as a discussion item with the Board. And I think he feels like if the PDR/AG Commission or AG/PDR Commission supported it in concept it would support further study, that would give him the impetus to go to the Board and say let's talk about this. I think that is what has generally happened here, because it is a good chance that it won't even get out of the Stafford Board, I think. But they might not take the topic up if we don't take some action.

Mr. O'Hara: I am just trying to get a sense of if the wording should be more direct or specific.

Mr. Neuhard: Well I think anything, if you have...the more direct and simpler the better. But if that is the way you feel. As a group you will have to come to some consensus on this matter and sometimes looser language provides for either a consensus or a majority much quickly. The key is you know, if I am looking at this...there is an expression of value for this but there is some reservation about fully supporting it until we have some more information, is what I hear in this. That's when we go forward. What that does, you can look at it politically a couple of ways. Some people want to embrace this, the idea that it is worthy of further discussion, there is some interest in it even amongst it's advisory Committees and Commission and therefore it is a value for the Board to consider. It also allows those that are doubtful about it to either, they can reject it if they so choose or because of the way it is worded they might be willing to say okay, we will get us some more information and it allows them to move forward. If you felt like that it was important for them to know and that you all could come to consensus, the stronger the language certainly the more power goes behind those that had the ideas at that level. However it also then causes a different way of thinking by those that might want more information or maybe they want to oppose it outright because it is so strong. So, who knows what is going to happen without counting the vote, you know counting where people's heads are. He has mentioned this in the Board before, there was not at that time and of course it was in context of the PDR report and other things, it was no general rejection of that idea at that point. So as Bob says, if it is Paul's intent to bring it back...Paul could come out tomorrow and put it on as a discussion item for the next meeting. He does not need anybody's help to do that. However if his strategy is this, he has one more group that say we need to look at this, and he has the group that is responsible for purchase of development rights in the County saying...and who is responsible for conservation and agriculture in the County. That in itself is a message that those who are responsible for that and advise on it have a position, this position is what I have previously described. So that is how I would describe it.

Mr. O'Hara: We are essentially asking the Board to give the issue back to staff and ask for the Board...

Mr. Neuhard: They could very well give it back to the Committee.

Mr. Coen: Right. It could help and we should look at that.

Mr. Neuhard: I would suspect that they would ask the Commissioner of Revenue to be involved in helping staff or this Committee look at the issue. Which...the first thing I am going to do is ask for the numbers to be officially run for the five year rollback, what kind of number is it and what is the budget and tell me what the budget impact is going to be. What is that going to look like...what would it have looked like over the last ten years?

Mr. O'Hara: I want to understand the unintended consequences and how sensitive the market is to doing the extra few years, or even if it is really going to pan out over the next five or ten years with residential development as it is. I support the motion.

Mr. Coen: Does anybody want to go stronger and say we definitively want the two years extra or are you comfortable with the wide sweeping that the whole issue is worthy looking at, in case they want to look at using some of the current rollback.

Mr. O'Hara: I say leave it all on the table.

Mr. Coen: Okay. She can't write fast enough. So the motion...do you want to try to read it?

Mrs. Stinnette: The AG/PDR feels the issue of using...

Mr. Neuhard: Land Use rollback.

Mrs. Stinnette: Land Use rollback taxes as a source of revenue for...

Mr. O'Hara: Dedicated source of revenue.

Mr. Coen: As a dedicated source...

Mrs. Stinnette: As a dedicated source...

Mr. Coen: Of revenue for land conservation, I think I said...

Mrs. Stinnette: Some kind of program.

Several people talking (inaudible).

Mr. Coen: Well I think I said land conservation. For example, like Quantico said "hey" and then they would give us money. I think the broader the better. I like the word believes rather than feels. I think believes is a stronger statement at the beginning the AG/PDR Commission feels, I like believes...

Mr. Neuhard: Is worthy of further study including the seven and five year use of rollback taxes or something to that effect.

Mr. Coen: And if they bring it up for discussion, staff knows where we are coming from, okay? So that is the motion and it has been seconded. Any further discussion? Seeing none, I will put it to a vote. All those in favor of recommending this to go to the Board say aye.

Mr. Adams: Aye.

Mrs. Clark: Aye.

Mr. Hunt: Aye.

Mr. McClevey: Aye.

Mr. O'Hara: Aye.

Mr. Coen: Aye. All opposed. And it passes unanimously. Cool.

Mr. Neuhard: We will construct a memo with the motion in there and make sure it is technically correct from the standpoint of we will have to describe a little bit and then we will send it to the Board.

Mr. Coen: Thank you. And I'm just curious, if you end of getting it back I would love to see if we just use two years to see how much that would impact the budget.

Mr. Mayausky: Two years of the current five years?

Mr. Coen: Yes. To me that would be a way not to raise taxes and it would not be a big pinch into the general budget, I would not think.

Mr. Mayausky: I will run an estimate and the general rule of thumb if you want to get an idea right now, just take twenty-five percent of each number in the first column.

Mr. Coen: Okay. And also if it comes back to you all you can also, if you remember what Jeff said about can we just do a percentage. Is that even on the table? Doing a percentage of the current term, then again that saves us from going to Richmond

and I don't know whether that is viable or not but that is something that is interesting.

Mr. Mayausky: I would think they could.

Mr. Adams: If you talk one year or two years, I mean that is...

Mr. Coen: That could be.

Mr. Adams: And work that in a percentage too, and by doing a percentage they could come somewhere in the middle like a year and a half worth.

Mr. Coen: Okay. Thank you, Sir.

Mr. Mayausky: Is there any other information we can provide for you all? If you think of it after I leave, just let Mike or Kathy know and they can just give it to me.

Mr. Coen: What softball field will you be on?

Mr. Mayausky: American Legion.

Mr. Coen: Okay, we can just run down there.

Mr. Mayausky: That is fine. Thank you.

2. Approval of Minutes –May 24, 2010 and June 29, 2010

Mr. Coen: Alright, going back to the agenda before we changed it was the approval of minutes. So we will start with May twenty-fourth, do we have any, additions, corrections, or deletions for the May twenty-fourth minutes? Seeing none, is there a motion to accept the May twenty-fourth minutes as submitted to us?

Mr. Hunt: So moved.

Mr. Coen: And a second?

Mr. Adams: I will second.

Mr. Coen: Okay, all those in favor of approving the minutes say aye.

Mr. Adams: Aye.

Mrs. Clark: Aye.

Mr. Hunt: Aye.

Mr. McClevey: Aye.

Mr. O'Hara: Aye.

Mr. Coen: Aye. All opposed. Alright now we move to June twenty-ninth. Is there a motion to accept them?

Mr. Hunt: So moved.

Mr. Coen: Thank you. A second?

Mrs. Clark: I will second.

Mr. Coen: Okay, all those in favor of accepting the June twenty-ninth minutes say aye.

Mr. Adams: Aye.

Mrs. Clark: Aye.

Mr. Hunt: Aye.

Mr. McClevey: Aye.

Mr. O'Hara: Aye.

Mr. Coen: Aye. And against? Nobody. Passed. Okay, staff update.

3. Staff Update

- PDR Celebration Event

Mrs. Baker: PDR celebration event, we are moving along. We did send you all an invitation list. The only one I really heard back from was Tom, who recommended we might include Senator Stuart and Delegate Howell on the invite list. He also threw out the idea of the Governor and we actually asked Kevin Schmidt, who is the VDACS representative about that a couple of months ago and he said well it is certainly on his agenda even though there is no money in the State right now, but he is still trying to preserve four hundred thousand acres during his term. So it is still an issue for him and that would be up to you all if you would want to invite the Governor to come along.

Mr. Hunt: Invitations are cheap.

Mr. Coen: I just did not know since we used State money if he should be included. I don't know.

Mrs. Baker: Yes, like I said we are having the representative from the Department of Agriculture, who managed the PDR money, he will be coming and he will be part of the program. You all can let me know if we have any more invitations. I am meeting with Cathy Riddle, our public information tomorrow to kind of finalize the list. She has a draft program set up, so we will work on that and get the invitations out hopefully later this week. And we have determined, of course I don't recall if I reported there should be sufficient on site parking within the field and we found if we go up on the ridge kind of overlooking the property you can really see both directions, the wooded side and the field side. That would make a nice view from the top. So the logistics look like they will work out just fine.

Mr. Hunt: Should you invite the Soil and Water Conservation Board people?

Mrs. Baker: I thought we had...I did not have them singled out. I think I just had Tri-County. I can get...

Mr. Hunt: If you just ask me, I will send you the names and all that.

Mrs. Baker: Okay. We are still working out the food and that type of thing, just light refreshments. We are moving along. We did get the sign, it is now in our office. We were just planning on having that displayed on a large easel at this point, so that it is mobile and we can have it out at the ceremony site and unveil that and have the Silver's and other specific people. So that is it in a nutshell.

Mr. McClevey: Are you happy with the sign?

Mrs. Baker: Yes.

Mr. McClevey: Is it alright?

Mrs. Baker: Yes. If you are talking about putting a frame around it and post, we talked about a frame but it does have a white border...

Mr. McClevey: I will work that out with you. I will take care of that.

Mr. Hunt: What time is it?

Mrs. Baker: I think it is at six o'clock.

Mr. Neuhard: Six.

Mrs. Baker: On the ninth of September, which is a Thursday.

Mr. Hunt: Thursday, yes.

Mrs. Baker: So unless there are any questions or additional input on that, we should be ready to go. We will send out the final details and programs as soon as we have all that together. I am very excited.

Mr. Coen: Good.

Mrs. Baker: The only other thing I did not have on here was just to let everybody know again, that I mentioned that the PDR Managers meeting, from all the different localities and different organizations that are interested in a conservation is on September fifteenth. So if anybody is interested in attending it at any point, just let me know and I will forward the contact information to you.

Mr. Coen: Okay, thank you. Anything for Kathy?

Mr. McClevey: Do you need anything else from us for the PDR celebration?

Mrs. Baker: I don't think so, again I am meeting with Cathy Riddle tomorrow and she will be working up the press release as well, so that will go out in the next couple of weeks I would imagine. I think until we get everything pinned down, detailed, I will let you know.

Mr. McClevey: You will have to donate a pig to barbeque.

Mr. Adams: That is the easy part. Who is going to barbeque it?

Mrs. Clark: About the light refreshments, who is funding? And who is making, and who is creating? Do we just pass the hat?

Mrs. Baker: I don't think there is going to be anything that is major. Even the big Crow's Nest celebration event they had last time was just iced tea, soft drinks and cookies or something like that.

Mrs. Clark: I just did not know if you needed help financing, creating or whatever.

Mr. Neuhard: No we are okay.

Mrs. Baker: We will hit Mike's budget up this time.

Mr. Coen: If you think you will need bodies/people, let me know. I can talk to the Learn and Serve at my school, may be he can help with parking or something.

Mrs. Baker: Okay.

Mr. Coen: I can run that by and see if...shoot we will be back at school by that point, so I can ask some of my kids.

Mrs. Baker: Okay.

Several people talking (inaudible).

Mrs. Baker: That may be a good idea, just to have five or six bodies total for parking and directing traffic.

Mr. Coen: Okay.

Mr. Neuhard: Those are the types of things we might need use of.

4. Unfinished Business

Mr. Coen: Okay. Alright, now we move to unfinished business. And the first one is the Ordinance revisions or do you want the ranking criteria.

- PDR Ordinance Revisions

Mrs. Baker: Let's finish the Ordinance first. Does anybody need a copy? What I did on this version. I tried to give you as clean a copy as possible from all the previous comments that were made and I have highlighted the areas where we made changes this time around. There are not that many at this point so I will just go through them. Page two section twenty-two A one, we added more information about working cooperatively. Marty had asked that we tried to include Quantico and their program in there so we did. We tried to add a little bit more but also other agencies and not limit it specifically to Quantico. Nine and ten there, Alan worked the wording out for us so if you see any additional changes that we might need to add to that. I will just go through them and you all can stop me at the point that you want to discuss. Page five, the definition of property ranking system changed formula to matrix and I note Marty also brought up the issue of having a definition for development unit. After I met with Alan last week, we don't really use development unit anywhere in the Ordinance and he thought it just might confuse the issue if we added that, but if you all are set on having a definition for that...I guess where it got tricky was trying to incorporate...I mean basically a development unit is a parcel where you can build a house, but do you incorporate our matrix with how you come up with that developable lot because in certain districts you do have to exclude wetlands...I mean it just got a little bit tricky if we tried to specifically define it. We could certainly take another stab at it if you feel strongly against that.

Mr. Coen: Are you okay?

Mr. McClevey: I am okay. Use your own judgment. It was the formula for that development unit in the matrix?

Mrs. Baker: Since I don't specifically have the formula for the matrix in here, I thought...

Mr. Neuhard: And we may change development unit to development right in that formula.

Mr. Coen: Okay.

Mrs. Baker: Page eight, we just struck the wording there. The criteria we will talk about separately. Moving on to page twelve, twenty-two A eight, section A where we talked about...what we tried to do is simplify the restrictions on the dwelling. Previously it was written as restrictions on new dwellings and we thought perhaps if we strike that new dwelling and leave it open so that it is a new dwelling or an existing dwelling that you can have per hundred acres. And we tried to write in additionally so that you can have...if you have less than the one hundred acres you still are allowed one dwelling whether it be a new one or an existing one. So if there is any tweaking to that paragraph, does anyone have any additional suggestions to that? That might just be the simplest way to deal with that. If not moving on the C, where we talked about restrictions, I know you all talked about trying to exclude some things and again Mike and I met with Alan last week and he did rewrite the area of the billboard and the sign and thought that might be a little more straight forward and knowing that we are still going to be able to restrict things maybe on a case by case basis or property by property basis once we look at a template...I mean when we look at our deed, our template deed when we get to a property owner that we are going to negotiate with, the deed itself is going to be based on maybe what is on that property or what that person wants on their property and we will tailor it to them. So I did not want to get too restrictive in the Ordinance in case there is a reason why they need a sign or they don't need a sign.

Mr. Adams: Let me ask a question about this double line down here in reading the minutes, bona-fide agricultural uses up above grading or clearing. If it is forest land they can still do a timber cutting and whatever, right? That would not be considered clearing.

Mrs. Baker: Right. You are talking about when you are getting down to disturbing the soil...

Mr. O'Hara: No, that is grubbing, I think clearing cuts the trees down and then grubbing actually comes in and pulls the root mat up and such.

Mrs. Baker: When you get into actual land disturbance, I guess in our County Ordinances and Regulations grading is what kicks in the need to go and get a permit through Code Administration. But if you are doing bona-fide silviculture operation or agricultural operations then you are basically exempt from that.

Mr. O'Hara: I would kind of like to take two and three and four...I am sorry two and three and put them together. I think we talked about earth removal and blasting, it has some legitimate agricultural use if they were building a pond or something of that nature. I would make it clearing, grading and excavation I guess of course removal and blasting are forms of excavation. But limited commercial activities blah blah blah blah. Just to take those two and three and make them one line.

Mr. Adams: Kathy, from what you are saying...

Mr. O'Hara: Because we sort of duplicated them somewhat.

Mr. Adams: Kathy with your understanding of the definition, just to go in with a chain saw and harvest timber would not be in violation.

Mrs. Baker: Correct.

Mr. Neuhard: It would have to be under a silviculture or some kind of management plan to do it.

Mrs. Baker: Right. And if that is something...

Mr. Neuhard: In order to cut trees down.

Mrs. Baker: Right, but if you...if it gets to a point that we are working with a property owner and we definitely don't want them to clear any trees, then that is going to be written right in the deed that they are not allowed to remove anything. But like we did with Mr. Silver's property, we specified that they had to have a forest management plan with the Department of Forestry or who ever...

Mr. Adams: I mean I am looking at this just for my own point of view but on my wood lot I would still want to be able to cut firewood.

Mrs. Baker: And we would want to write that into the deed if you wanted to continue to do that. I mean there are certain things that we would want to make clear. If you are not doing it for silviculture but you still want to be able to cut.

Mr. Adams: So that is at the deed level, not at the Ordinance level.

Mrs. Baker: Well, this is kind of...

Mr. Neuhard: It could be either.

Mrs. Baker: Yes, it could be either but this is basically restricting things that are not going to be agriculturally related. I mean blasting...getting out dynamite to blow up rocks on your property and changing the land itself. This language has all come out of Virginia Outdoor Foundation's template. That is where it came from and those are the issues I guess they have seen in dealing with properties. They have them in there for their reasons. Whether we necessarily need them here, that is up to you all.

Mr. Neuhard: Remember our Ordinance has to go back for approval at the State level if we want to continue the grant program. So they get their comment time too.

Mrs. Baker: We can make whatever changes you all recommend.

Mr. O'Hara: We just want to be careful in being overly restrictive and not allowing these people to subsist on the land that they are on. Things like cutting for firewood or putting in a pond or reasonable things they do so they can actually get the use out of their land that they still own.

Mrs. Baker: And just by reading this I would think the creating a pond on a farm is related to agricultural outlay...

Mr. O'Hara: That is why I would just say to combine two and three into one line so that everything is covered under that.

Mrs. Baker: Okay.

Mr. O'Hara: Agricultural use exception.

Mrs. Baker: We can do that.

Mr. Neuhard: And we will look at the definition of excavation and see if that is close enough that we think legally we would be covered to see if we can simplify a couple of words.

Mrs. Baker: Anything else on that section?

Mr. Coen: Alright.

Mrs. Baker: On page thirteen, Alan just added in where Federal Government can take into consideration like we added into the first section. A nine, the application submission and Alan made some recommendations just to clarify and you all had asked about by close of business rather than being post marked. So that is basically the change there. On page fourteen, this is where we added some of the language to include the applicant in the process. Under C, we would notify them and then it goes further down under F it gave ten business days for them to provide us any additional comments.

Mr. Coen: I just had a question about and then what happens? I don't know...We may want to specify, say Harry Homeowner comes in and says he does not agree with the ranking and brings in other information and meets with the program administrator and then it just says discuss it, but then are they given X amount of time to change anything? I think it might be clearer to say...I mean if I come in and say well you gave me this on the criteria and I think I deserve that, where do we go from there?

Mr. Neuhard: Well we come back to the Committee and we tell you what the differences are and the difference of opinion and as you have in the past, you in essence certify that the point is right.

Mr. Coen: Okay.

Mr. Neuhard: And then...

Mr. Coen: Because we would not have gotten that in the first place. So you will come with both...you will come and say okay Harry says on you know on A-2 he believes he deserves a ten, we gave him an eight, this is what it is...

Mr. Neuhard: Yes, we have the administrative procedures that come behind us and our procedures are that after we do the scoring we come to you and remember we go through each presentation. You look at all the points and you know we had discussions on a couple of areas and as appropriate we would have to...if we had people that after we did that and we said here is the points we have given you. If they differ then we will have to come back and staff would have a position and the Committee has to take a position on that. Thus far we have ended up at the same place on that. Then these recommendations, our recommendations go forward to the Board.

Mr. Coen: Yes.

Mr. Neuhard: You may decide that the individual's arguments are valid or you may decide no, not in our criteria.

Mr. Coen: Okay.

Mr. Neuhard: An onward you go. But it does allow an official place for them, that we don't have now, for them to enter in their view about their points.

Mr. Coen: Okay. I might ask if you go back and look at them, just look at putting in a line or two in there that sort of makes that clear to the applicant. As it stand right now I meet with you and other County staff to discuss this but it really does not say what happens.

Mr. Neuhard: We could put something that then staff and the Committee will take their particular positions under consideration.

Mr. Coen: Right. In theory if Harry comes in and says I deserve a ten and you gave me an eight, you could actually say I think you are right. You deserved a ten or you could say if you don't agree then we are going to take both pieces of information to the body and that way Harry knows one way or the other.

Mr. Neuhard: Yes.

Mr. Coen: Then we don't have them claiming that you did not whatever.

Mr. Neuhard: Well we are going to...the way the procedure is set up now and the way we were and we are going to feel better...if somebody comes into us and says something is different we are going to bring that back to the Committee. Because when we come back we will have a recommendation regarding that based on what that individual has told us. And you will consider that and go forward. I don't want to be in a position where someone gives us information. We need to consider that information thoroughly ourselves and make sure our questions are answered and bring it to you as a Committee to understand it and act on it as well.

Mrs. Baker: We may need to add some additional language in this part of the process though because we have not mentioned the

Committee yet.

Mr. Coen: Right.

Mrs. Baker: The Committee does not come in until...

Mr. Coen: We don't come into play until after that.

Mrs. Baker: So...

Mr. Neuhard: Yes, well the Committee has come into...we may need to look at that but the Committee always comes into play once we rank and score.

Mrs. Baker: Right. This is still during the process of ranking and scoring...

Mr. Coen: Ranking and scoring...

Mrs. Baker: Before it is submitted to the Committee.

Mr. Coen: Yes, I thought it would be clear for the person to know what is going to happen if they did not agree or whatever. I love that, thank you, thank you.

Mr. Neuhard: There is no use for them to respond until after the Committee has seen it, because we have a dialogue that might change it all anyway. We will talk about that later.

Mr. Coen: Okay. That could end up being resolved before it comes to us so we don't get (inaudible).

Mrs. Baker: I was just thinking of what somebody came and said they had a historic resource on the property and that is easy enough for us to go and look and verify.

Mr. Coen: Right.

Mrs. Baker: I am trying to think of what other issues.

Mr. Neuhard: The only thing I would say is that I don't...we will talk about this a little bit more. I think this is good observation. I don't want staff to be in a position where they have put out points prior to the Committee seeing them. Those points...the points that we give is between us and the Committee until such time that you have heard it. And then you deliberate...you have got seven more heads around the table, you have seven more views and as we went through this the last time that was critical to what the end game was. Now another thing I want to say is if the Committee believes that we need...the staff, this would be a conscious decision on your part. If you believe yes the staff needs to score it, they need to see it before you see it, okay you all can make that decision. Then I would think that there needs to be at some point perhaps another opportunity for there to be comment about the points. Because whether it is us making the initial decision or you making your decision, you will have questions, we will go back and look, it could change the scores again. And then we are stuck and that person is going to be looking...I would rather do this one time rather than multiple times where the property owner wants to contest the score that they have been given with us. They can always contest it to the Board. The Board can take your recommendations and disregard it under certain circumstances. It would be difficult for them to do that, that is why they have you, but they could. So whatever we do we need to think about where the conflicts could possibly be set up and we saw that the last time, where those could be. And if your idea is to give them an opportunity to in essence challenge the score or a point, then it seems to me that you would want to do that at a point where you still have authority of deliberations but you also have the benefit of staff's view at a given time.

Mrs. Clark: Right now I don't feel that is what this language says. I think this language looks to me like staff assigns points...

Mr. Neuhard: Which we do now.

Mrs. Clark: People get a chance to review it, talk to you about it before it ever comes to the Committee. That is the way I am reading it right now.

Mr. Coen: And it sort of...

Mrs. Clark: And if we want it to be different (inaudible).

Mr. Coen: I sort of like it the way it is written, but I just think it needs to be clearer as to what is going to happen after they talk to you.

Mr. Neuhard: Okay, your intent is that after we score it, before you see it we should go ahead and let the applicant know and do our debate there and come forward to you with that, with the idea that once we present what has happened, whatever that may be, that you then in essence make the final...

Mr. Coen: Final, right. I was just sort of thinking, sort of the flow from the last one, I think that the concern was that the applicant felt X and they did not feel that they could clarify it. This would make it clear that they get what the ranking is and if they don't like it they have a certain time period to come to you and then if there is actually something that is valid and or whatever and you can find like a historical resource, then the staff would say oh yeah, we did not know that and we will change the points. If it is a total disagreement or I say it is X and you say it is Y, then staff would do what you did with us the last time. Which was you would give us all the information and then we would make the determination then. But I think the applicant would know they had a fair shot before it went any further to make sure there were no misunderstandings or confusions and they wanted to bump up their points or whatever. They can try to do it before it got to us and then from our point onward it is sort of okay, you have had your shot. Here is all the information...

Mr. Adams: Here is where I want to jump in, because I was on the other side of the table last time. Correcting or adjusting to say oh well okay we have gone back and looked at it and yes we think you are right, you should get four points here instead of two points or whatever. But there comes a point that Jean and I sat there and played games, after a certain point you can withdraw your application but you can't amend your application once you say, dang if I answer this question yes instead of no, we would have gotten six more points and we would have been in second place.

Mr. Coen: Right, but you would not know anybody else's score. That is one thing.

Mr. Adams: Once you got to the part where you start presenting everything in public you would have. I am saying at that point you can't...

Mr. Coen: Right, once it starts.

Mr. Adams: (Inaudible) revise after a certain point or amend or whatever.

Mr. Coen: That is a good point.

Mr. Neuhard: There is no provision to amend your application. There are no provisions except if we ask questions for clarity. Then we as staff as we evaluate your application we may say we don't see an answer here, what is your answer?

Mr. Coen: Right.

Mr. Neuhard: This is all during the fact finding portion of our evaluation. And then once we feel like okay it is a complete application, we have all of your information, we think we understand it, that is when we start assigning points for each one.

Mr. Adams: Alright, so if the deadline was today and I marked the property was not up for sale. Four months from now when you start reviewing it I can't say Oh well we just signed a contract last week and put it up for sale.

Mrs. Baker: We took that out of the ranking criteria just because of that issue.

Mr. Coen: The theory would be if during the fact finding you had left it blank and they asked you question X and you said oh year such and such, then that might change how they would score you in theory, if you left it blank. If you did not leave it blank, it would be up to staff. But once staff has brought it forward to us that is when you would find out what Marty's score was and if you are like wow if I had changed my answer I would get more than Marty, then at that point it is to late.

Mr. Adams: I guess the one that would come into that, like I said is the nutrient management plan and that type of thing. You could go after that and try to do that real quick after you realized that...

Mr. Coen: Right.

Mr. Neuhard: Now remember all of this is public. The ranking criteria is public, it will go back into the Ordinance. Last time we had the public information meeting on it. There is no secret about the evaluation criteria is, there is no secret about the points, there is

no secret about any of this. So if I am a landowner and I am serious, I would be looking out on how I would get maximum points and I would be going through everything I could before I applied.

Mr. Coen: Right.

Mr. Neuhard: That is why when it comes to the date, unless there is something well in progress, you are waiting for the approval of the nutrient management plan, you have put it in. Then we would have to consider that, but if you are waiting after that date to start doing things then it seems to me that if we have done what we did the last time, we did the public meeting. This program is known now, that any manipulation after closure of application would not be viewed as a valid change in your status.

Mr. O'Hara: I would like to ask a question. We were wrestling about how much responsibility was put on staff and how much authority I guess the Committee has to determine what the actual point rankings are before they are revealed to the applicant if you will. Some parallel activities, would the Planning Commission...staff goes before the Planning Commission I guess with a basic presentation and a recommendation. And then the applicant gets a chance to speak also, but the Commission makes the...The Commission receives staff's recommendation, but they make the final I guess they actually recommending...recommendation for it to the Board. I am looking for some parallelism so that we are not potentially starting a whole new process but trying to use processes that work. I guess the other thing I would say is obviously this is a procurement. Staff looks at other procurements, sorts through those procurements and then sends their top pick to the Board for approval ratification and contract. How does those kinds of things or any of the other processes that go on as far as approving things like this kind of fit what we are talking about here?

Mr. Neuhard: Well in both cases that you are talking about in others, Ordinances just like we did with this set up the basic process. Most starting out State Law and coming down, so you have a little bit different processes in both cases. For example in this particular Ordinance, as it was originally designed this Committee has two functions. The PDR portions of your functions not the agricultural portions of your functions. One is to advise the administrator on various things around the program the other is to advise the Board on it. And within the procedures we have set down those responsibilities and when they bifurcate in regards to the evaluations and such. Basically the way it practically works is, staff comes forward and you in essence advise staff on those rankings and whether or not we both reached an agreement or consensus, but we could as we do with the Planning Commission. When the Planning Commission votes, staff can have and has had opposing recommendations to the Board on findings that the Commission has had. The same thing could happen here, it has not. We work not to be in that position because I think we value it, but it is conceivable if we were a hundred yards apart in the relative value of the property. If you came out here with four votes on something and we came out, we could go parallel with our recommendation, which we would provide yours and ours if that is the case. So there are some parallels there but I think in this case the critical issue is and I am hearing some really good points here, but the issue is at what point do you allow the applicant to interact and we had no provision for that other than through the application process before. What you told us and the questions we asked through staff was it. We had no mechanism to see your score until it was public and no way to challenge those scores.

Mr. O'Hara: I guess I am more of the opinion that I would like staff and the Committee to come to an agreement to present those findings back to the applicant and then give them either at the meeting or a subsequent meeting where they can come back and appeal it by presenting new facts, not of a changed condition from the date from which the proposal was sent but some sort of a, I should not say new fact, but what I mean is some sort of a clarification of the existing facts. I would rather be in concurrence with staff and would prefer not to have the Committee and staff disagree on some technical point and it get to the point where we send a separate recommendation to the Board of Supervisors.

Mr. Coen: Gail.

Mrs. Clark: I was going to say I think we can handle this. Number one, staff assigns points. Number two, the Committee discusses points. Number three, people are told what their points are, not a ranking but are told what their points are. They can respond, you set up your meeting, they respond and the Committee comes back and takes a look, but I think that people themselves should only have one chance to respond. I don't think we need to do that twice. But I think that the Committee and staff can review twice.

Mr. O'Hara: I like the idea of withholding the ranking.

Mrs. Clark: And that is how it was originally. They could just see their points but they don't see ranking. That is what Jeff was talking about. If you find out ranking then you start trying too...

Mr. Adams: Manipulate.

Mrs. Clark: Manipulate, thank you.

Mr. Coen: Yes. My only thing is when I think about our last one most of the clarification is stuff that a simple phone call would have taken care of it. So to me bringing all the information and their points to us, having us discuss and deal with them and say okay by the way we have all these nebulous areas which quite honestly a phone call could take care of. And then going back to them and then coming back to us, to me that just adds another step. If you go to the person and you say here this is where we came down

with this, you have X number times this. If you have a problem or questions contact us. Then it is just one clean thing coming to us from the staff. And quite honestly if the person does not agree with what the staff said the staff will give us both, like they did last time. And then if the Committee feels they like seeing it twice, it is okay by me. I don't see where that issue...I think it is going to be awkward for somebody to come up and sit before seven bodies...

Mrs. Clark: I don't see it happening. I see them giving additional information or clarifying at the meeting they have with staff.

Mr. Coen: Yes.

Mrs. Baker: And I think, like I mentioned, the criteria now there is not a lot here that is open ended. It is all pretty much we can figure it out before we give it to you. There may be new things that arrive outside of the application process. Just as last time we would certainly bring it to you to get your concurrence on that. I think fund leveraging could be open to debate if somebody came in with something and said I did not realize I could do that. I think that might be something we would bring to the Committee and not just...because to us it is not clear cut. It is not one of those, well it has eighty percent soils or it doesn't. There might be a couple of instances there, but for the most part I think it is going to be straight forward. The criteria points are going to be.

Mr. Coen: Okay. So is it the feeling that staff knows how to tweak part two and heading to part three.

Mrs. Baker: I am not sure I got clear information on how you wanted to do it.

Mr. Coen: Three, staff comes to us then we talk about it and they meet with the people. Is that what...

Mr. Neuhard: Well we are going to try to come to you with a complete package, by talking to people and get clarity. We are going to try to do that, like we did in the past. In some areas it is more clear cut. So you are going to get what we feel is our best effort when it comes to you. The question is when do we want to hear a challenge to the points? That is the key questions. When do you want to hear it? Because we are not just going to accept this application and not talk to the people, we are going to be talking to them and clarifying and asking are you sure you have not missed it. Do you have A B C D? We are going to right down through that just like we did. We are going to do field visits and we are going to measure maps. You know what we went through and we are going to be better at it the next time.

Mrs. Clark: I don't care...

Mr. Neuhard: The question is where is it?

Mrs. Clark: I don't really care when it happens as long as they only get one chance at it and that they understand that just because they think that they get more points in a certain area does not mean it is really going to happen. Does that make sense? Are you going to come back...wait a minute. Staff suggests points.

Mr. Neuhard: Yes.

Mrs. Clark: They respond but then at some point in time the Committee sees it as well as staff and that is when the final points are set. Is that right? That is what I thought, I just wanted to make sure.

Mr. Neuhard: That would be suggesting it is done like this is described then.

Mrs. Clark: Okay.

Mr. Neuhard: After staff does it we do it. Now the problem with that is that you don't get to hear any of that, you take staff's view point on it and you may help us or you may have a different view than we had but you don't get to hear it straight up. If you wait, then you might hear it in your administrative procedures. Now I agree and I understand that...the difference is once you make the information public and every applicant knows exactly what the points are and if they want to they can come in there and keep score and be at every meeting that we go through this and keep score on it. And they may find an angle and you may have to make a judgment on whether they were finding an angle or not. That is the only piece that would suggest we need to think very carefully where this is done. My preference is as where it was described originally. I agree we should only do it one time and we should do it after the Committee has heard and after staff has interacted with the applicants. However that is a risk that we have that we would not have if staff had already done it. But you lose the interaction.

Mrs. Clark: Until it is made public.

Mr. Neuhard: That is everything is public. Remember we go through in public the criteria first before we do that final ranking. We make sure all the points in all the categories we have agreement on. Then we run the final number. Well if you really are interested

in this you are sitting in there with a score tab, just like we have at every meeting we go over. We had what two or three meeting last time where we went over that.

Mr. Adams: Well there was only one person there at all three meetings.

Mr. Coen: Yes.

Mr. Adams: And then they know when you put your property on the market. I mean do you see my point?

Mr. Neuhard: I do see your point.

Mr. Adams: We did not try to use that to arc up the advantages, there were may discussion of you know if we fill out the application this way instead of that way. Some of it is straight forward, no interpretation. How many acres do you have: Thirty-eight. Well that has to be this point system right here. But some of it, like with cultural resources. Do I get points for that slave cemetery or don't I? I could see as an applicant where I could come in and argue but I can't...I am not trying to...oh wait a minute let me say I have this on my property.

Mr. Neuhard: So where should we be hearing that? That is the question. Do you want to hear the argument? Do you want us to hear it? Or do you want us both to hear it?

Mrs. Clark: Or do we want them to hear each other?

Mr. Neuhard: It is all a timing question.

Mr. Coen: Right.

Mr. O'Hara: I think the heavy lifting as far as getting clarification need to be done before it comes here. But I think we need to as a body own the point scores. To do anything other than that would be abdicating our responsibilities as a Committee. That is my feeling.

Mr. Coen: So do you want them to do the discussion on...when we bring up Harry's discussion do we invite Harry? And we have Harry sit here and talk to us? Is that what you are saying?

Mr. O'Hara: I think we need to as a group we need to review the point scores and over ride them. Once they get approved, then they get released.

Mrs. Baker: Well we have open meetings so you can't unless we develop closed session meetings.

Mr. McClevey excused himself from the meeting at 8:30.

Mr. Coen: Right.

Mr. Neuhard: We talked about that the last time and the County Attorney advised against that. There is nothing here that can't be open source because it is all in the regs. So it is completely out there, which is good.

Mr. O'Hara: That still gives up a chance to vote on the total points before it gets public.

Mr. Neuhard: It does, absolutely it does.

Mr. O'Hara: If they want to be here they can be here at eight thirty or they can get it in a letter a couple of days later. I don't see the difference there. I just would not want to have, at least my say, seven votes...

Mr. Coen: And you won't.

Mr. O'Hara: On those points before, it gets given to someone and I may disagree. I don't want to now have a proposer become a wedge between staff and the Committee. It is much easier if we can have the chance to sit around the table and talk about it. Which I assume we can't do vie email while the process is going on, I understand that is in violation.

Mr. Neuhard: That is correct.

Mr. O'Hara: Of course I am just saying this from not having been part of the process last time around.

Mrs. Clark: I see pros and cons of doing it both ways. I may have to go back and agree with Tom.

Mr. Neuhard: Maybe we are just over thinking it.

Mrs. Clark: The way it is right now, am I right in saying that staff puts in points then you notify the people.

M. Neuhard: Yes.

Mrs. Clark: Then they can come back to you.

Mr. Neuhard: Right.

Mrs. Clark: You can change points.

Mr. Neuhard: Yes.

Mrs. Clark: Then it comes to Committee and the Committee makes the final decision.

Mr. Neuhard: The final decision, that is correct.

Mrs. Clark: And then that way there is not a discussion of points before they have had a chance to clarify. That is what I am saying. Jeff did sit here through all of those meeting last time. And if you sat there before you had a chance to respond, then I see a chance to manipulate.

Mrs. Baker: But at meeting he had not had the luxury of seeing his points.

Mrs. Clark: I understand that.

Mrs. Baker: That was the first time he saw them.

Mr. Coen: Right.

Mrs. Baker: At the meeting when we had already ranked the properties.

Mr. Coen: I think that the other benefit by doing it by staff. One of the things they did superbly last time was on different issues present both sides of stuff. So that if they met Harry and Harry was like I don't agree with what these points, on one of them they were like well I did not know you had a slave cemetery. We looked it up and you get the points. On the other one Harry said I want ten points you gave me eight, they would come to and they would give us, Harry said he deserves ten, this is what he says. And then before we made our final decision we would have Harry's opinion without having him come in twice.

Mr. Adams: Yes, because there were things that I disagreed with but Mike was able to provide an answer. This is where I came up with it. The last time I did not agree with the houses and he pulled up on there, one, two, okay you are right. Those were easy to resolve issues.

Mr. Neuhard: It sounds like we have got it right.

Mr. Coen: Okay.

Mr. Neuhard: Administratively we will do it the same way we did it last time. If there is a place that is in conflict, we will bring both to the table and you will have to make the decision.

Mr. Coen: Right. Is that okay?

Mr. O'Hara: I am only one vote.

Mr. Coen: I know that.

Mr. O'Hara: I don't want anybody else lining up with me.

Mr. Coen: Okay, with those couple of changes is everybody happy with the new updated Ordinance? Okay. Now is there a time frame we are thinking of taking this forward?

Mr. Neuhard: When you are done we will take it forward.

- Ranking Criteria Revisions

Mr. Coen: Okay. The only other new business is the ranking criteria and I don't know...we normally end off at nine anyway and I am not sure if we really can do all of this in twenty...

Mrs. Baker: We have not made any draft changes to this, we just cleaned it up so that you can read it straight and make any additional suggestions.

Mr. Adams: This is something I would like to see start off and go all the way through rather than get started and have to come back.

Mr. Coen: Okay, so you would like us to take up the ranking at the next meeting and do it all then?

Mr. Adams: That would be my preference.

Mr. Hunt: I have got to admit I got a little confused by some of it coming back a month later.

Mr. Coen: We have a motion to table this to be the major topic of discussion in September? Do we have a second?

Mr. Hunt: Second.

Mr. Coen: Second, all in favor of tabling the ranking until September...

Mr. Adams: I guess I better say aye on this one.

Mr. Coen: I guess so. Alright all in favor? Okay.

Mrs. Baker: Mike did change the points as well. These are the points that everybody had discussed and they should all add up also if you want to review it in total. Number five was the one that was still...I think I will follow up with you one more time and see.

Mr. Hunt: Yes, we had some issues on this (inaudible).

Mr. Coen: Okay, so we will defer that until September. Any other new business?

Mrs. Clark: I was just going to mention that there was a buy fresh buy local paper that was actually produced and distributed on a limited basis. It did include Stafford County and there were several Stafford County people who advertised in it. I know that it worked a little bit, I don't know about you but I have gotten several calls and people coming by to buy stuff. I should have brought it just to show it off. It has got the full color and they are really nice if you have never seen a buy fresh buy local.

Mrs. Baker: Are they online yet?

Mrs. Clark: They were supposed to but I have not gone online to look.

Mr. Adams: Don't ask me, I don't go online.

Mrs. Clark: I don't have time in the summer to look

Mrs. Baker: I will check tomorrow and forward it to you.

Mrs. Clark: And that was Elizabeth Borsh who really did spearhead that and she did have trouble with funding and so I know it was

a limited release. They put them out at the library.

Mr. Adams: Thirty thousand.

Mrs. Clark: Yes thirty thousand but that was for Spotsylvania, Caroline, Fredericksburg, Stafford and Westmoreland. Or King George I guess.

Mr. Adams: King George and Westmoreland.

Mrs. Clark: Thirty thousand was not huge but it was a start and I know she would like to continue it, but we will have to do a little better with funding, but at least it was a little start.

Mr. Coen: Okay.

Mrs. Clark: And it did not get out until the end of July, which is a little bit late.

Mr. Coen: Have you all been in contact with her? At one point she was looking into doing Stafford farmers market or something like that.

Mrs. Clark: She was interested in the farmers market, but I don't know...I have not followed up...I mean nobody has contacted me about it.

Mr. Coen: Alright. It could be that is the only real ag thing left to do was that aspect.

Mr. Adams: Well I had an ag surprise earlier in the month. Animal control came to my house and said we need to see your oxen. I said oh yeah. Yeah, we got a complaint you are starving your oxen. I said oh yeah, well what if I tell you to go back to the courthouse and get a warrant and then come out and see me. We don't need to we can come on your property and check any time we want.

Mr. Hunt: So were you starving your oxen?

Mr. Coen: Really, we want that for the minutes.

Mr. Adams: No.

Mr. Coen: There were not starving.

Mr. Adams: I found out later on that is considered just like a human. If there is a report that somebody is shot and laying on your property, they don't need your permission to come look and render assistance. Livestock is the same thing, they don't need your permission to come on your property.

Mr. Coen: Yes.

Mr. Adams: I know it is a neighbor thing, because he specifically said the two oxen. He did not care about any other animals on the property. It was not two or three days later I got a call from animal control and told me...

Mr. Coen: Okay is there a motion to adjourn?

5. Next Meeting – September 27, 2010 Regular Meeting

7. Adjournment

Mr. Hunt: Motion to adjourn.

Mr. Hunt: Second.

Mr. Coen: Okay we have adjourned you can continue.

With no further business to discuss, the meeting was adjourned at 8:40 p.m.